

AUG 26 2005

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Appl. No. 10/752,890; Filed: January 7, 2004

Attached are a Renewed Petition and Supplemental Amendment for filing in the above-referenced application

Number of Pages: (including cover page)

13

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AUG 26 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/752,890 Confirmation No.:
Applicant(s): Bossi, et al. 4562
Filed: 01/07/2004
Art Unit: 2856
Examiner: John E Chapman Jr
Title: NON-DESTRUCTIVE INSPECTION DEVICE FOR INSPECTING
LIMITED-ACCESS FEATURES OF A STRUCTURE

Docket No.: 038190/269130
Customer No.: 00826

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RENEWED PETITION FOR AN UNINTENTIONALLY
DELAYED DOMESTIC PRIORITY CLAIM
(37 C.F.R. § 1.78(a)(3))**

Sir:

This renewed petition is in response to the August 22, 2005 Decision on Petition dismissing Applicants' previous petition filed June 21, 2005. Applicants have changed the amendment to the specification as required, and it is respectfully submitted that the \$1,370 surcharge under 37 CFR 1.17(t) that was paid with the June 21, 2005 petition should also be attributed to the present petition. It is not believed that additional fees are required; however, in the event that additional fees are necessary to allow consideration of this petition, such fee is hereby authorized to be charged to Deposit Account No. 16-0605.

Pursuant to 37 CFR §1.78(a)(3) and as requested in the original petition, Applicants hereby petition that the above referenced application ("the '890 application") be granted priority to U.S. Patent Application Serial Number 10/620,464 ("the '464 application") as a continuation-in-part application. The '890 application names Richard H. Bossi, Gary E. Georgeson, and James C. Kennedy as inventors and is assigned to The Boeing Company as recorded January 7, 2004, at Reel 014877, Frame 0354. The '464 application names James C. Kennedy, Christopher

L. Mares, and Mark A. Negley as inventors and is assigned to The Boeing Company as recorded July 16, 2003, at Reel 014305, Frame 0963. The '464 application was filed on July 16, 2003 and subsequently issued as U.S. Patent Number 6,722,202 on April 20, 2004. The '890 application was filed on January 7, 2004 and was therefore co-pending with the '464 application from January 7, 2004 until April 20, 2004. The '464 and '890 applications have the inventor James C. Kennedy in common and are assigned to a common assignee.

The final date that a benefit claim to the '464 application under 37 CFR §1.78(a)(2) could have been made for the '890 application was November 16, 2004. The entire delay between the date the benefit claim was due under 37 CFR §1.78(a)(2) and the date of this benefit claim was unintentional. Applicants hereby petition that the '890 application be granted priority to the '464 application as a continuation-in-part application of the '464 application.

Respectfully submitted,



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PATENT

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SUPPLEMENTAL AMENDMENT
37 C.F.R. § 1.121

Sir:

This supplemental amendment is in response to the Decision on Petition mailed August 22, 2005 and the Office Action dated March 22, 2005. This supplemental amendment is identical to the amendment filed June 21, 2005 with the exception that the Amendments to the Specification has been changed to omit the language "which is hereby incorporated herein in its entirety by reference" which would have improperly incorporated by reference the prior-filed application as stated in the Decision on Petition of August 22, 2005. Therefore, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Amendments to the Specification:

On page 1, under the heading NON-DESTRUCTIVE INSPECTION DEVICE FOR INSPECTING LIMITED ACCESS FEATURES OF A STRUCTURE, please delete the following paragraph:

RELATED APPLICATION DATA

This application is a continuation-in-part of U.S. Application 10/620,464, filed July 16, 2003.

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Amendments to the Claims:

1. (Currently Amended) A non-destructive inspection device for inspecting a feature of a structure, the inspection device comprising:
an actuating portion having at least one magnet, wherein the actuating portion is structured for placement on a first surface of the structure such that the actuating portion is movable relative to the structure; and
an inspecting portion having an inspection sensor and at least one magnet, wherein the inspecting portion is structured for positioning on a second surface of the structure opposite the first surface such that the inspecting portion is magnetically coupled to the actuating portion so that movement of the actuating portion causes the inspecting portion to move in concert with the actuating portion without the inspecting portion directly contacting the actuating portion.
2. (Currently Amended) A non-destructive inspection device according to Claim 1, further comprising a second inspecting portion having a second inspection sensor and at least one magnet, wherein the actuating portion has a second magnet such that the inspecting portion is structured for positioning on ~~a~~ the second surface of the structure opposite the first surface such that the feature of the structure to be inspected is located between the first inspecting portion and the second inspecting portion, wherein the second inspecting portion is magnetically coupled to the actuating portion so that movement of the actuating portion causes the second inspecting portion to move in concert with the actuating portion without the second inspecting portion directly contacting the actuating portion, and wherein the first inspecting portion and the second inspecting portion are in a generally fixed relative position with respect to each other when each is magnetically coupled to the actuating portion.
3. (Original) A non-destructive inspection device according to Claim 2 wherein the inspection sensor of the first inspecting portion comprises an ultrasonic transmitter and the second inspection sensor of the second inspecting portion comprises an ultrasonic receiver.

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4. (Original) A non-destructive inspection device according to Claim 3 wherein the first inspecting portion includes an array of ultrasonic transmitters and the second inspecting portion includes an array of ultrasonic receivers.

5. (Currently Amended) A non-destructive inspection device according to Claim 2-4 wherein the first inspecting portion includes a plurality of magnets, the second inspecting portion includes a plurality of magnets, and the actuating portion includes a first plurality of magnets magnetically coupled to the plurality of magnets of the first inspecting portion and includes a second plurality of magnets magnetically coupled to the plurality of magnets of the second inspecting portion.

6. (Original) A non-destructive inspection device according to Claim 5 wherein the first inspecting portion includes a set of rollers proximate the plurality of magnets, the second inspecting portion includes a set of rollers proximate the plurality of magnets, and the actuating portion includes a set of rollers proximate the first plurality of magnets and the second plurality of magnets.

7. (Original) A non-destructive inspection device according to Claim 6 wherein the actuating portion includes a handle for manual positioning of the actuating portion.

8. (Original) A non-destructive inspection device according to Claim 6 wherein the actuating portion includes a motorized drive wheel for motorized positioning of the actuating portion.

9. (Original) A non-destructive inspection device according to Claim 8 wherein the actuating portion includes a positional encoder device to monitor the positioning of the actuating portion.

10. (Original) A non-destructive inspection device according to Claim 1 wherein the inspecting portion includes a positional encoder device to monitor the positioning of the actuating portion.

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11. (Original) A non-destructive inspection device according to Claim 1 wherein the inspection sensor of the inspecting portion comprises a laser ultrasonic transducer.

12. (Original) A non-destructive inspection device according to Claim 1 wherein the inspection sensor of the inspecting portion comprises an optical borescope.

13. (Original) A non-destructive inspection device for inspecting a feature of a structure, the inspection device comprising:

an actuating portion having a first plurality of magnets and a second plurality of magnets, wherein the actuating portion is structured for placement on a first surface of the structure such that the actuating portion is movable relative to the structure;

a first inspecting portion having a first inspection sensor and a first plurality of magnets, wherein the first inspecting portion is structured for positioning on a surface of the structure opposite the first surface such that the first inspecting portion is magnetically coupled to the first plurality of magnets of the actuating portion so that movement of the actuating portion causes the first inspecting portion to move in concert with the actuating portion without the first inspecting portion directly contacting the actuating portion; and

a second inspecting portion having a second inspection sensor and a second plurality of magnets, wherein the actuating portion has a second plurality of magnets such that the inspecting portion is structured for positioning on a surface of the structure opposite the first surface such that the feature of the structure to be inspected is located between the first inspecting portion and the second inspecting portion, wherein the second inspecting portion is magnetically coupled to the second plurality of magnets of the actuating portion so that movement of the actuating portion causes the second inspecting portion to move in concert with the actuating portion without the second inspecting portion directly contacting the actuating portion, and wherein the first inspecting portion and the second inspecting portion are in a generally fixed relative position with respect to each other when each is magnetically coupled to the actuating portion.

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14. (Original) A non-destructive inspection device according to Claim 13 wherein the first inspection sensor of the first inspecting portion comprises an ultrasonic transmitter and the second inspection sensor of the second inspecting portion comprises an ultrasonic receiver.

15. (Original) A non-destructive inspection device according to Claim 14 wherein the first inspecting portion includes an array of ultrasonic transmitters and the second inspecting portion includes an array of ultrasonic receivers.

16. (Original) A non-destructive inspection device according to Claim 15 wherein the actuating portion includes a handle for manual positioning of the actuating portion.

17. (Original) A non-destructive inspection device according to Claim 15 wherein the actuating portion includes a motorized drive wheel for motorized positioning of the actuating portion.

18. (Original) A non-destructive inspection device according to Claim 17 wherein the actuating portion includes a positional encoder device to monitor the positioning of the actuating portion.

19. (Original) A non-destructive inspection device according to Claim 13 wherein at least one inspecting portion includes a positional encoder device to monitor the positioning of the inspecting portion.

20. (Currently Amended) A method of inspecting a feature of a structure, comprising the steps of:

placing an actuating portion of a non-destructive inspection device on a first surface of the structure, wherein the actuating portion has at least one magnet;

positioning at least one inspecting portion of the non-destructive inspection device on a second surface of the structure opposite the first surface, wherein the inspecting portion has an inspection sensor and at least one magnet such that positioning the inspecting portion comprises magnetically coupling the magnet of the actuating portion to the magnet of the inspecting portion;

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moving the actuating portion on the first surface of the structure such that the inspecting portion is moved in concert with the actuating portion; and
monitoring an output from the inspection sensor.

21. (Currently Amended) A method according to Claim 20, further comprising the step of positioning a second inspecting portion of the non-destructive inspection device on a second surface of the structure opposite the first surface such that the feature of the structure to be inspected is located between the first inspecting portion and the second inspecting portion, wherein the second inspecting portion has a second inspection sensor and at least one magnet such that positioning the second inspecting portion comprises magnetically coupling a second magnet of the actuating portion to the magnet of the second inspecting portion such that the second inspecting portion is moved in concert with the actuating portion during the moving step.

22. (Original) A method according to Claim 21, further comprising the steps of:
transmitting an ultrasonic signal from the first inspection sensor through the feature of the structure to be inspected; and
receiving the ultrasonic signal in the second inspection sensor to generate the output to be monitored.

23. (New) A non-destructive inspection device according to Claim 1 wherein the feature of the structure extends from the second surface of the structure and wherein the inspecting portion is further structured for inspecting the feature of the structure extending from the second surface of the structure.

24. (New) A method according to Claim 20 wherein the feature of the structure extends from the second surface of the structure and wherein moving the actuating portion further comprises moving the actuating portion such that the inspecting portion inspects the feature of the structure extending from the second surface of the structure.

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REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed March 22, 2005. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Applicants would also like to thank the Examiner for confirming that Claims 2-9, 13, 14, 16-19, 21, and 22 define allowable subject matter if rewritten in independent form. Applicants have amended Claims 1, 2, 5, 20, and 21 and added Claims 23 and 24. Applicants have also petitioned the Office of the Deputy Commissioner for Patent Examination Policy for an unintentionally delayed claim of priority to U.S. Patent No. 6,722,202 as a continuation-in-part application thereof, as indicated in Exhibit A and as discussed more fully below. In light of the amendments, the petition, and the remarks below, Applicants respectfully submit that all of the claims are in condition for immediate allowance.

Rejections Under 35 U.S.C. §§ 102(e) and 103(a) – Kennedy

The Office Action rejected Claims 1, 12, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,722,202 to Kennedy et al. ("the Kennedy '202 patent"); Claim 11 under 35 U.S.C. § 103(a) as being obvious over the Kennedy '202 patent; and Claim 10 under 35 U.S.C. § 103(a) as being obvious over the Kennedy '202 patent in view of U.S. Patent No. 4,010,636 to Clark et al. ("the Clark '636 patent"). In light of Applicants' petition to claim priority to the Kennedy '202 patent, Applicants respectfully traverse these rejections.

As stated in the petition of Exhibit A, submitted concurrently with this amendment, Applicants request a benefit claim to U.S. Patent Application Serial Number 10/620,464 ("the '464 application"), which granted as the Kennedy '202 patent. If the petition of Exhibit A is granted, the present application would be a continuation-in-part application of the Kennedy '202 patent, thereby removing the Kennedy '202 patent as a 102(e) reference. For at least this reason, Applicants respectfully request that the rejection of Claims 1, 12, and 20 under 35 U.S.C. § 102(e) be withdrawn.

Regarding the rejections of Claims 10 and 11 under 35 U.S.C. § 103(a), because the Kennedy '202 patent would be removed as a 102(e) reference in the event the petition of Exhibit A is granted, Applicants respectfully submit that the Kennedy '202 patent is further disqualified

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from being used in rejections under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request that the rejection of Claims 10 and 11 under 35 U.S.C. § 103(a) be withdrawn.

Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Office Action rejected Claims 1, 11, 12, and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-17 and 29 of the Kennedy '202 patent. The Office Action also rejected Claim 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of the Kennedy '202 patent in view of the Clark '636 patent. In light of Applicants' petition to claim priority to the Kennedy '202 patent, Applicants respectfully traverse these rejections.

As described above and in the petition of Exhibit A, the Applicants have requested a benefit claim to the '464 application, which granted as the Kennedy '202 patent. If the petition of Exhibit A is granted, the claims of the present application directed to subject matter disclosed and/or claimed in the Kennedy '202 patent would have the same priority date as the claims of the Kennedy '202 patent. Therefore, Applicants respectfully submit that a terminal disclaimer is not necessary based upon the petition of Exhibit A. For at least this reason, Applicants respectfully request that the rejections of Claims 1, 10, 11, 12, and 20 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Rejection Based Upon Duplicate Claims

The Office Action rejected Claim 15 under 37 CFR 1.75 as being a substantial duplicate of Claim 5. Applicants have amended Claim 5 to depend from Claim 2, such that Claim 15 is no longer a substantial duplicate of Claim 5. Accordingly, Applicants respectfully request that the rejection of Claim 15 be withdrawn.

New Claims 23 and 24

Applicants have added new Claims 23 and 24 that depend from Claims 1 and 20, respectively. Claim 23 recites the inspecting portion as being structured to inspect the feature of the structure extending from the second surface of the structure, and Claim 24 recites inspecting

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the feature of the structure extending from the second surface of the structure. Applicants respectfully submit that Claims 23 and 24 are supported by the specification and are in condition for allowance.

CONCLUSION

In view of the foregoing amendments, remarks, and petition, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Chapman is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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